

By: Thompson of Harris, Flynn, Otto, Bell,
Raney

H.B. No. 1409

Substitute the following for H.B. No. 1409:

By: Crownover

C.S.H.B. No. 1409

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of dental hygiene.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 258.001, Occupations Code, is amended to
read as follows:

Sec. 258.001. ~~[IMPERMISSIBLE]~~ DELEGATIONS. (a) A dentist
may not delegate:

(1) an act to an individual who, by board order, is
prohibited from performing the act;

(2) any of the following acts to a person not licensed
as a dentist or dental hygienist:

(A) the removal of calculus, deposits, or
accretions from the natural and restored surfaces of exposed human
teeth and restorations in the human mouth;

(B) root planing or the smoothing and polishing
of roughened root surfaces or exposed human teeth; or

(C) any other act the delegation of which is
prohibited by board rule; or

(3) any of the following acts to a person not licensed
as a dentist:

(A) comprehensive examination or diagnosis and
treatment planning;

(B) a surgical or cutting procedure on hard or
soft tissue;

(C) the prescription of a drug, medication, or work authorization;

(D) the taking of an impression for a final restoration, appliance, or prosthesis;

(E) the making of an intraoral occlusal adjustment;

(F) direct pulp capping, pulpotomy, or any other endodontic procedure;

(G) the final placement and intraoral adjustment of a fixed or removable appliance; or

(H) the placement of any final restoration.

(b) A dentist may delegate~~[, or~~

~~[(4)]~~ the authority to an individual to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent if the individual is ~~[not]~~ licensed as:

(1) ~~[(A)]~~ a dentist, with a permit issued by the board for the procedure being performed~~[,]~~ if a permit is required;

(2) ~~[(B)]~~ a certified registered nurse anesthetist licensed by the Texas Board of Nursing, only if the delegating dentist holds a permit issued by the board for the procedure being performed~~[,]~~ if a permit is required; ~~[or]~~

(3) ~~[(C)]~~ a physician anesthesiologist licensed by the Texas Medical Board; or

(4) a dental hygienist, only if:

(A) the procedure is the administration of a local anesthetic agent under Section 262.002(a)(6);

1 (B) the dental hygienist has passed a
2 certification examination approved by the board; and

3 (C) the dental hygienist:

4 (i) has completed a course approved by the
5 board to train dental hygienists to administer local anesthetic
6 agents; or

7 (ii) has been licensed in good standing
8 within the past year to administer local anesthetic agents:

9 (a) by a branch of the United States
10 armed forces; or

11 (b) by another state.

12 SECTION 2. Section 262.002, Occupations Code, is amended by
13 amending Subsection (a) and adding Subsection (c) to read as
14 follows:

15 (a) A person practices dental hygiene if the person:

16 (1) removes accumulated matter, tartar, deposits,
17 accretions, or stains, other than mottled enamel stains, from the
18 natural and restored surface of exposed human teeth and
19 restorations in the human mouth;

20 (2) smoothes roughened root surfaces;

21 (3) polishes exposed human teeth, restorations in the
22 human mouth, or roughened root surfaces;

23 (4) topically applies drugs to the surface tissues of
24 the human mouth or the exposed surface of human teeth;

25 (5) makes dental x-rays; ~~and~~

26 (6) administers intraoral block or infiltration
27 anesthesia under the authorization and direct supervision of a

1 dentist; and

2 (7) performs any other service, task, or procedure
3 prescribed by board rule.

4 (c) A dental hygienist may not establish an independent
5 practice to provide services authorized by this subtitle.

6 SECTION 3. (a) The State Board of Dental Examiners, not
7 later than January 1, 2016, shall:

8 (1) prescribe by rule the requirements for a course to
9 train dental hygienists to administer local anesthetic agents; and

10 (2) develop a procedure for the approval of courses
11 described by Subdivision (1) of this subsection.

12 (b) A rule adopted under Subsection (a) of this section must
13 require that a course is:

14 (1) accredited by the Commission on Dental
15 Accreditation of the American Dental Association; and

16 (2) offered in a classroom setting at an educational
17 institution.

18 SECTION 4. This Act takes effect September 1, 2015.